

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONIEL CARTER,

Plaintiff,

v.

Case No. 18-cv-727-bhl

ERIKA WATSON,

Defendant.

ORDER

On November 4, 2021, a jury awarded Plaintiff Doniel Carter \$125,000 in punitive damages and the Clerk's office entered judgment in that amount. Dkt. Nos. 104 & 105. Later, the Court awarded attorney's fees in the amount of \$141,292.38. *See* Dkt. Nos. 129 & 134. On February 23, 2023, Carter filed a motion to alter the judgment to add the attorney's fees award. Dkt. No. 136.

"Every judgment and amended judgment must be set out in a separate document, but a separate document is not required for an order disposing of a motion...for attorney's fees under Rule 54." Fed. R. Civ. P. 58(a)(3). Indeed, "a claim for attorney's fees is not part of the merits of the action to which the fees pertain. Such an award does not remedy the injury giving rise to the action." *Budinich v. Becton Dickinson & Co.*, 486 U.S. 196, 202 (1988). "A motion for attorney's fees...does not imply a change in the judgment, but merely seeks what is due because of the judgment." *White v. N.H. Dep't of Emp't Sec.*, 455 U.S. 445, 452 (1982). Therefore, the Court will deny the motion as unnecessary under the Federal Rules of Civil Procedure and because it may create confusion regarding finality, which entry of judgment is meant to avoid. *See Budinich*,

486 U.S. at 202; *see also Feldman v. Olin Corp.*, 673 F.3d 515, 517 (7th Cir. 2012) (“Rule 58 should not be read to mean that some motions for awards of attorneys’ fees are ‘under’ Rule 54 and others are ‘under’ something else and therefore require a separate judgment document to start the 30-day appeal time running.”).

IT IS THEREFORE ORDERED that Plaintiff’s motion to alter the judgment to add attorney’s fees (Dkt. No. 136) is **DENIED**.

Dated at Milwaukee, Wisconsin on March 23, 2023.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge